

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

UMG RECORDINGS, INC.,

Plaintiff,

v.

OPENDEAL INC. d/b/a REPUBLIC,

Defendant.

USDC SDNY

DOCUMENT

ELECTRONICALLY FILED

DOC #:

DATE FILED: 1/7/2022

Case No: 1:2

**PARTIES' JOINT LETTER MOTION
TO EXTEND DEFENDANT'S
ANSWER DEADLINE AND TO
ADJOURN *SINE DIE* THE RULE 16
INITIAL PRETRIAL CONFERENCE**

Dear Judge Torres:

The undersigned counsel represent the respective parties in this action, Plaintiff UMG Recordings, Inc. ("Plaintiff") and Defendant OpenDeal, Inc. ("Defendant"). We write pursuant to Rule I(C) of Your Honor's Individual Practices in Civil Cases to request (i) that Defendant's deadline to answer or otherwise respond to Plaintiff's Complaint be extended to January 18, 2022 and (ii) that the Initial Pretrial Conference scheduled for February 1, 2022 be adjourned *sine die* until after the Court has rendered a decision on Plaintiff's forthcoming motion for preliminary injunction.

I. Requested Extension of Defendant's Deadline to Respond to the Complaint

By way of procedural background, Plaintiff filed this trademark infringement action on November 12, 2021. (ECF No. 1.) On December 2, 2021, Plaintiff's counsel emailed Defendant's counsel with copies of the Complaint and Summons in this case and Defendant's counsel agreed to accept service of the Complaint on behalf of Defendant effective December 6, 2021, without waiver of any defense other than any defense based on the manner or sufficiency of service. (ECF No. 19.)

The parties agreed that Defendant would answer or otherwise respond to the Complaint on or before January 18, 2022 and they hereby ask the Court to "so order" this extension of Defendant's deadline to respond to the Complaint. No previous requests for extension of Defendant's deadline to respond to the Complaint have been made by the parties and the requested extension will not affect any other scheduled deadlines.

II. Requested Adjournment of the Rule 16 Initial Pretrial Conference

On November 30, 2021, the Court issued its Initial Pretrial Scheduling Order setting the Rule 16 Initial Pretrial Conference for February 1, 2022. (ECF No. 11.) On December 7, 2021, Plaintiff requested a pre-motion conference with the Court on its anticipated motion for preliminary injunction, and Defendant filed its response to Plaintiff's pre-motion conference request on December 14, 2021. (ECF Nos. 13, 17.) On December 16, 2021, the Court granted Plaintiff's request to file a preliminary injunction motion and set a briefing schedule on the motion, with Plaintiff's motion due January 24, 2022, Defendant's opposition due February 14, 2022 and Plaintiff's reply due February 28, 2022. (ECF No. 18.)

The parties jointly request the adjournment of the Rule 16 Initial Pretrial Conference because they believe the Court's ruling on the motion for preliminary injunction will likely inform how this case proceeds, including the scope and topics on which discovery may be needed.


No previous requests for adjournment of the Initial Pretrial Conference have been made by the parties. Moreover, adjournment of the Initial Pretrial Conference *sine die* will not affect any other scheduled deadlines, namely the briefing schedule on Plaintiff's preliminary injunction motion. All parties consent to this requested adjournment.

For the foregoing reasons, the parties respectfully request that (i) Defendant's deadline to answer or otherwise respond to the Complaint be extended to **January 18, 2022** and (ii) that the Initial Pretrial Conference scheduled for February 1, 2022 be adjourned *sine die* until after the Court has rendered a decision on Plaintiff's motion for preliminary injunction.

Respectfully yours,

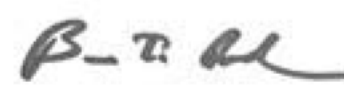
Dated: January 6, 2022

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GRANTED in part, DENIED in part. The Court's order of November 30, 2021, directed the parties to submit a joint letter and proposed case management plan by February 1, 2022. ECF No. 11. The Court did not schedule an initial pretrial conference for that date. The parties' request to adjourn the deadline to submit a joint letter and proposed case management plan is DENIED. Defendant's request to extend the deadline to answer or otherwise respond to the complaint to January 18, 2022, is GRANTED.

SO ORDERED.

Dated: January 7, 2022
New York, New York


ANALISA TORRES
United States District Judge